

AMENDED IN SENATE APRIL 2, 2009

SENATE BILL

No. 486

Introduced by Senator Simitian

February 26, 2009

~~An act to amend Section 118285 of the Health and Safety Code, An act to add Article 3.3 (commencing with Section 47115) to Chapter 1 of Part 7 of Division 30 of, the Public Resources Code, relating to medical waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 486, as amended, Simitian. Medical waste: sharps waste.

The California Integrated Waste Management Act of 1989 requires a city's or a county's household hazardous waste element to include a program containing specified components for the safe collection, treatment, and disposal of sharps waste generated by households. The act requires the Integrated Waste Management Board, in consultation with specified entities, to develop model programs for the collection and proper disposal of drug waste.

This bill would require, on or before July 1, 2010, and annually thereafter, a pharmaceutical manufacturer that sells or distributes medication that is self-injected at home through the use of hypodermic needles and other similar devices to submit to the board a plan for the safe collection and destruction of home-generated sharps waste containing specified elements. The bill would require the manufacturer and the board to post and maintain the plan on their respective Internet Web sites.

~~Existing law, the Medical Waste Management Act, administered by the State Department of Public Health, regulates the management and handling of medical waste, which includes, but is not limited to, sharps~~

waste. Existing law prescribes how sharps waste must be containerized or stored.

~~This bill would make a technical, nonsubstantive change to provisions relating to sharps waste.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SEC. 2. Article 3.3 (commencing with Section 47115) is added*
2 *to Chapter 1 of Part 7 of Division 30 of the Public Resources Code,*
3 *to read:*

4
5 *Article 3.3. Home-Generated Sharps Waste Collection*

6
7 *47115. A pharmaceutical manufacturer that sells or distributes*
8 *a medication in California that is self-injected at home through*
9 *the use of a hypodermic needle, pen needle, intravenous needle,*
10 *or any other similar device, shall, on or before July 1, 2010, and*
11 *annually thereafter, submit to the board a plan that describes how*
12 *the manufacturer supports the safe collection and destruction of*
13 *the home-generated sharps waste, as defined in Section 117671*
14 *of the Health and Safety Code.*

15 *47115.5. The plan required pursuant to Section 47115 shall*
16 *include, at a minimum, a description of the actions taken by the*
17 *manufacturer to do all of the following:*

18 *(a) Provide for the safe collection and destruction of the*
19 *home-generated sharps waste generated by its customers.*

20 *(b) Educate consumers about safe management and collection*
21 *opportunities.*

22 *(c) Support efforts by retailers, pharmaceutical distributors,*
23 *manufacturers of injection devices and other partners including*
24 *local governments, health care organizations, public health*
25 *officers, solid waste service providers and other groups with*
26 *interest in protecting public health and safety through the safe*
27 *collection and destruction of home-generated sharps waste.*

28 *47116. (a) The manufacturer shall post and maintain a copy*
29 *of the plan required pursuant to Section 47115 on its Internet Web*
30 *site.*

1 ***(b) The board shall post and maintain copies of the plans***
2 ***submitted by the manufacturers pursuant to Section 47115 on its***
3 ***Internet Web site.***

4 ~~SECTION 1. Section 118285 of the Health and Safety Code~~
5 ~~is amended to read:~~

6 ~~118285. To containerize sharps waste, a person shall do all of~~
7 ~~the following:~~

8 ~~(a) Place all sharps waste into a sharps container.~~

9 ~~(b) Tape closed or tightly lid full sharps containers ready for~~
10 ~~disposal to preclude the loss of contents.~~

11 ~~(c) Store sharps containers ready for disposal for not more than~~
12 ~~30 days without the written approval of the enforcement agency.~~

13 ~~(d) Label sharps containers with the words "sharps waste" or~~
14 ~~with the international biohazard symbol and the word~~
15 ~~"BIOHAZARD."~~